

**ARTICLE XV
ENVIRONMENTAL PROVISIONS**

Section 15.01 PURPOSE.

The purpose of this Article is to promote the conservation or wise use of important unrennewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archeological, geological, historical or agricultural significance for present and future generations.

(Ord. No. 1 eff. Jan. 8, 1983)

Section 15.02 NATURAL ENVIRONMENT.

It is the general requirement of this Article to conserve and wisely use the natural environment in the most careful and well-planned manner possible. Under this Article where it is the judgment of the Planning Commission that the natural environment is seriously in jeopardy of being used unwisely, based upon an appraisal by the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement prepared by a professional environmental specialist recognized to practice in the State of Michigan. For actions to be taken for violations of provisions to protect the environment, reference is made to the Michigan Natural Resources and Environmental Protection Act being MCL 324.1701 - 324.1706, in part.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 15.03 NATURAL RESOURCES.

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important unrennewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type character and location of known surface and subsurface natural resources and the method proposed to preserve future access, development and extraction of such natural resources for future use.

(Ord. No. 1 eff. Jan. 8, 1983)

Section 15.04 AGRICULTURAL LAND.

In order to properly preserve agricultural land on the basis of either its present use or its potential use, based upon the adaptability of its soil types and elevation to future agricultural development and use, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

(Ord. No. 1 eff. Jan. 8, 1983)

Section 15.05 LAKES, PONDS, RIVERS, STREAMS, WATER COURSES AND DRAINAGE WAYS.

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainage ways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainage way, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with Michigan State and Federal laws, regulations and standards.
- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Streams Act", (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act", (3) Public Act 231 of 1970, "The Natural River Act", and (4) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".
- C. In accordance with the provisions of Public Act 231 of 1970, "The Natural River Act" and "State Administrative Rules" adopted by the Michigan Department of Environmental Quality are hereby made a part of this Ordinance.
- D. See Sections 14.13B and 14.23.

(Ord. No. 1 eff. Jan. 8, 1983)

Section 15.06 FLOOD PLAINS.

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding, except as provided in Section 16.06.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.
- C. No building shall be located within a designated flood way. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the flood way, it shall be shown that such structure will not form a significant obstruction or retard the movement of flood waters, except as part of a plan for flood control.
- D. Restrictions in the flood plain shall be as follows:
 - 1) No buildings shall be built in the flood plain of a water body unless the lowest floor and the heating and electrical systems are located four (4) feet above the level of the established flood level. Such elevation may not be achieved through the use of the fill. The uses of stilts, lifts, pilings, or other similar means of elevation are permissible so long as such means are in accordance with other applicable regulations, and so long as they do not form a significant obstruction to the flow of flood waters.
 - 2) The construction of any on-site sewage disposal system or the dumping of waste materials of any type in the flood plain is prohibited.
 - 3) The storage of buoyant, flammable, explosive or toxic materials in the flood plain is prohibited.
 - 4) The digging or drilling of wells or other means of providing domestic water supply sources in the flood plain is prohibited.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 15.07 WETLANDS.

All areas designated in Chapter VII, Natural Features of the Howell Township Master Plan, adopted by the Planning Commission and as amended, as designated on Map No. 6 Rivers, Creeks, Floodplains, Wetlands, Lakes, Ponds, Streams, Drainageways and Ridge Lines. The Wetlands designated on Map No. 6 are hereby declared to be potential wetlands and shall be subject to field determination to verify the existence of wetlands. If wetlands do exist, they shall be subject to the following provisions:

- A. All wetlands in Howell Township are hereby subject to the provisions of Public Act 203 of Public Act 451 of 1994, "The Natural Resources and Environmental Protection Act", Part 303 "Wetlands Protection" in order to encourage the proper use and development of the wetlands.
- B. No buildings or structures shall be built in the Wetland Areas except those that are normally accessory to the uses which are permitted in such areas.
- C. Uses permitted in Wetland Areas are only those generally classified as open land uses such as for (1) recreation, including hunting and fishing, hiking, outdoor camping and related activities, (2) education, including nature study and related outdoor education activities, (3) conservation, including the preservation or wise use of natural resources such as minerals, sand and gravel, organic materials, wildlife, trees, plants, topsoil and other natural elements, (4) agricultural activities and (5) forestry activities.
- D. All of the above uses are permitted without requiring a zoning permit, except when any building or structure is proposed to be built as accessory to a permitted use or when the physical characteristics of the natural environment are significantly changed or the natural resources are to be extracted and removed from the area, including the removal of topsoil, organic material, wildlife, minerals, sand and gravel and vegetation. Such changes, extractions and removals require the submission of a plan for such purposes in conformance with the permitted uses to the Planning Commission for its approval or disapproval based upon its judgment as to whether or not the plan will result in carrying out the intent of these regulations to preserve and wisely use the Wetland in which the use is to be located. In making this judgment the Planning Commission shall use the criteria and standards relevant to such uses in Wetland Areas as prescribed in Public Act 203 of 1979, "The Wetlands Act"

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 15.08 SHORELINE AREAS.

- A. These shoreline areas shall be defined as those areas lying within 150 feet of a stream, river, pond, lake or wetland area, or the designated flood plain of these water bodies, whichever is the greater. For the purposes of this Ordinance, the measurement shall be taken as follows:
- 1) For any stream or part thereof, which is generally less than fifteen (15) feet in width, from the center of the channel.
 - 2) For any stream or part thereof, which is generally greater than fifteen (15) feet in width, and for any pond, lake or wetland: the line of the mean high water level, as indicated by eroded streambanks, changes in vegetation, or other reliable indicators.
 - 3) See Sections 14.13B and 14.23.
- B. **SITE IMPROVEMENT.**
- 1) Sewage disposal systems in a shoreline area shall have a setback of at least one-hundred (100) feet from the mean high water mark and a vertical limitation of twenty-five (25) percent grade from the established lake level high waterline, and shall be designed so that the effluent will not degrade the quality of either ground or surface water.
 - 2) The base of a septic facility tile field shall not be less than four (4) feet above the established lake level or high waterline.
 - 3) The filling, grading or other alteration of natural drainage in a shoreline area shall be reviewed by the Planning Commission.
- C. **SETBACKS.**
- 1) Sewage disposal systems shall be regulated as in B.1. and B.2. above, except that the setback of such facilities from all shorelines shall be 100 feet.
 - 2) Structures with inside plumbing shall be set back at least fifty (50) feet from the established high lake level or high waterline.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 15.09 ENVIRONMENTALLY SENSITIVE AREAS.

- A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission as Areas of Environmental Sensitivity, including, but not limited to:
- 1) Rare or valuable ecosystems.
 - 2) Significant undeveloped agricultural, grazing or watershed areas.
 - 3) Forests and related land which require long stability for continuing renewal.
 - 4) Scenic or historical roads/areas, including burial grounds.
 - 5) Such additional areas as may be determined by the Federal Government, the State of Michigan or Livingston County.
- B. **General requirements for environmentally sensitive areas.** All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this Section shall demonstrate that the proposed development will not adversely affect the environmental quality of the property and the surrounding area by means of the following:
- 1) The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
 - 2) The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Livingston County Health Officer or Wastewater Division of the Department of Environmental Quality and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
 - 3) The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards: (1) The clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees. (2) Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be required. (3) More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission. (4) Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.

- C. Have as a portion of the application a site plan for review by the Planning Commission that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
- 1) Determine whether the regulations of this Ordinance have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
 - 2) Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article XX, "Site Plan Review".

Section 15.10 OPEN SPACE PRESERVATION.

As prescribed in Section 125.3506 of Public Act 110 of 2006, a developer of property having desirable natural features which need to be protected and preserved for the future, shall be permitted under this Zoning Ordinance, providing that the developer shall set aside at least 50% of the total area of a lot or a parcel of land for this purpose while being permitted to develop the remaining 50% or less of the lot or parcel, with the same number of housing units as would be possible under the provisions of the Zoning District in which the development is to be located on the total (100%) of the area of the lot or parcel of land. This provision shall apply in all Zoning Districts which permit single and multiple family housing as a principal use in them. Land set aside under this provision may be, but is not required to be, dedicated to the use of the general public.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. By Ord. No. 139 eff. May 26, 2002)

